

BILL NO. Z-86-09-29

ZONING ORDINANCE NO. Z-

13-86

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. L-18.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated an RA (Suburban Residential) District
under the terms of Chapter 33 of the Code of the City of
Fort Wayne, Indiana of 1974:

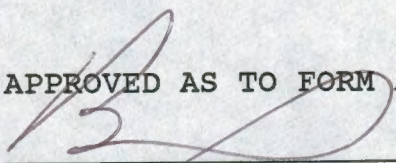
Lot 44 in Archer Heirs Addition to the City of Fort
Wayne, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No.
L-18, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this ordinance shall be in full force
and effect from and after its passage, any and all necessary
approval by the Mayor.


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Eisbart
seconded by GiaQuinta, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M.

DATE: 8-26-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eisbart
seconded by Stier, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 9-23-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-13-86
on the 23rd day of September, 1986

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the 24th day of September, 1986
at the hour of 11:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 24 day of September
1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We DEVELOPMENTAL DESIGN INC c/o PHILLIP A. TROYER TRUS.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an R-A District the property described as follows:

LOT 44 ARCHER - HEIRS ADDITION

S.E. CORNER SHERMAN & ELMER ST. 150' x 150'

KEY # 92-20-55-0044

2718 SHERMAN BLVD

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

WILLARD C. KNIGHT

Willard C. Knight 2118 Schumburg Willard C. Knight
(Name) (Address) (Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

PHILLIP A. TROYER
(Name)

BOX 154 LAOTTO IND. 46763
(Address & Zip Code)

424-2230
297-2587
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 26, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-08-29; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 18, 1986.

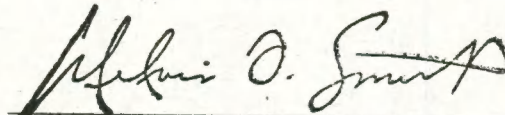
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 25, 1986.

Certified and signed this
5th day of September 1986.

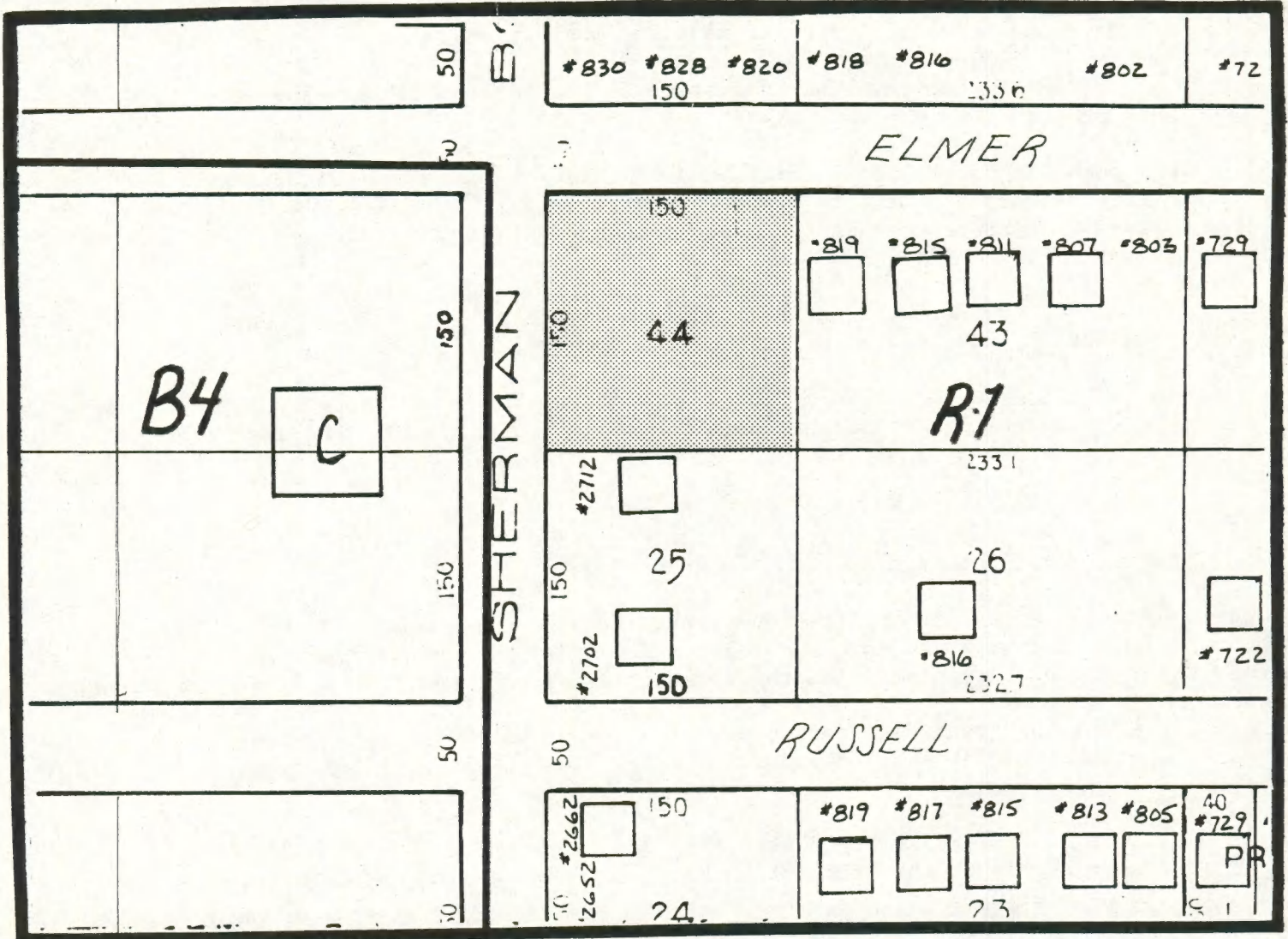


Melvin O. Smith
Secretary

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO AN RA DISTRICT

MAP NO. L-18

COUNCILMANIC DISTRICT NO. 3



ZONING:

R1 RESIDENTIAL DISTRICT
B4 ROADSIDE BUSINESS

LAND USE:

☐ SINGLE FAMILY
☐ COMMERCIAL

SCALE: 1"=100'

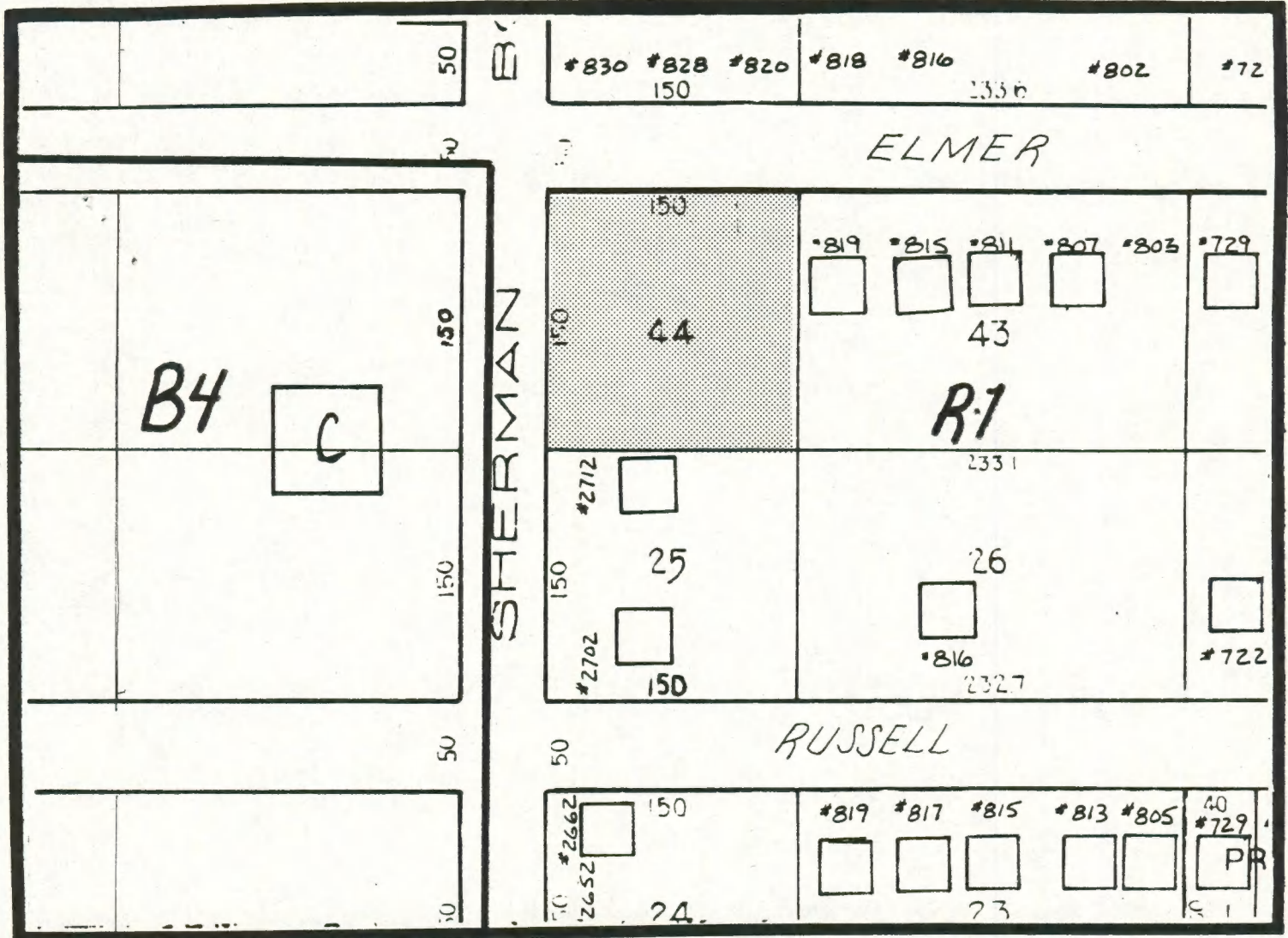
DATE: 7-1-86



A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO AN RA DISTRICT

MAP NO. L-18

COUNCILMANIC DISTRICT NO. 3



ZONING:

R1 RESIDENTIAL DISTRICT
B4 ROADSIDE BUSINESS

LAND USE:

☐ SINGLE FAMILY
☒ COMMERCIAL

SCALE: 1"=100'

DATE: 7-1-86



Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From R-1 to RA

DETAILS

Specific Location and/or Address

2718 Sherman BL

Reason for Project

Developer proposes to develop a multi-family addition to be known as "Sherman Townhouses".

A six unit 2-story structure.

Discussion (Including relationship to other Council actions)

18 August 1986 - Public Hearing

The next item for consideration is a request to change from R1 to an RA. The property is better known as 2718 Sherman. The petition involves the construction of Sherman Townhouses. Mr. Eisbart asked for comments in favor of the petition.

Mr. Phil Troyer, Development Design Inc., stated that he was an architect, developer and general contractor. He stated that he felt that this petition was the highest and best use for this piece of property. He stated the adjoining land uses would be compatible with a new apartment development. He stated that he was coming back to the Commission this month because there was some reservations on the Commission's part that an R-3 would allow intensity much greater than what he was proposing. He stated that they were willing to make restrictions to meet those requirements. Some areas of concern were storm drainage and parking. Mr. Troyer stated that they would meet all necessary requirements. His firm has also discussed the issue with the neighborhood association and has their full support.

Mr. Eisbart asked for questions from members. None were raised. He then asked for comments in opposition to this case. None were stated.

The question of water drainage was raised and discussed by Mr. Troyer and members.

Mr. Eisbart asked again for other questions.

Mrs. Lori Lee Waterman, representing the Neighborhood Association, was present to speak in favor of the petition. She stated that she was in favor of the plan as it stands now. We are here to say this is the plan that we are approving. We had talked at the last meeting about the possibility of obtaining a restrictive covenant and we were told that since we were going this route that we did not have to have a covenant. Mrs. Waterman has come back to see if there were any changes to be made. She stated again that the association is in favor of this plan the way that it stands. We are very concerned about the drainage and the parking. We do not like any less than 15 parking spaces because there is no parking on the street.

We have met with City Engineers and walked the area and discussed the drainage problems that exist.

Duane Embury, City Engineer and Chief Water Pollution Control Engineer, stated that the City was aware of the problem and would work with the neighborhood association to try to resolve those

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Area

Applicants/ Proponents

Applicant(s)

Phil Troyer

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff Recommendation

☒ For ☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not

DETAILS

Mrs. Waterman stated that they are trying to make sure that with that drain overflowing already, there is not something else that will cause even more backup. She stated that she had some pictures that she forgot to bring with her tonight that one of the neighbors from across the street on Russell lot drain and the water is about 2 feet all over Russell Street. We were concerned with Sherman more than we were with Russell. Since that meeting, we found out that there is bad drainage on Russell too, so we may have you come back to show that there is a problem there too.

Those are our concerns, as long as he is willing to work with us, we are willing to work with him. I see no problem with the Association's approval. However, I want to stress that we are only approving the plan that was presented to us and not any changes.

Mr. Eisbart asked for anyone to speak in favor of the petition. No additional response was offered. He asked for any opposition to the petition. None was offered. He did ask Mr. Troyer to submit the pictures to Mr. Embury for review.

26 August 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the eight (8) members present seven voted in favor of approval one did not vote.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 30 July 1986

Projected Completion or Occupancy

Date 4 September 1986

Fact Sheet Prepared by

Date 4 September 1986

Patricia Biancaniello
Reviewed by

Date 8 September 1986

Reference or Case Number

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 2718 Sherman Bl

3-86-08-29

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential.

Property will become RA - Suburban Residential.

EFFECT OF NON-PASSAGE Property will remain R-1- Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

BILL NO. Z-86-08-29

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort
Wayne Zoning Map No. L-18

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

YES

NO

BEN A. EISBART
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

DONALD J. SCHMIDT

THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN 9-23-86

SANDRA E. KENNEDY
CITY CLERK